

CHAPTER 106
DEER HUNTING BY RESIDENTS
[Prior to 12/31/86, Conservation Commission[290] Ch 106]

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person.

106.1(1) Bow season license. Paid bow licenses shall be valid for taking any deer statewide during the bow season, except that bow season licenses for hunting antlerless deer shall be valid only in one county in the special antlerless zone.

106.1(2) Regular gun season license. Paid regular gun season licenses shall be valid for any deer, antlerless deer or antlered deer depending on the season, county or zone hunted. Licenses shall be valid statewide for the season designated on the license, except that regular gun season licenses for hunting antlerless deer shall be valid only in one county in the special antlerless zone. In seasons, counties, or zones in which only antlered deer may be taken, antlered deer shall be defined as those deer having at least one antler 3 inches or longer.

106.1(3) Muzzleloader season license. Paid muzzleloader season licenses shall be valid during one of the muzzleloader seasons for any deer, antlerless deer or antlered deer, depending on the season, county or zone hunted. Licenses shall be valid statewide for the season designated on the license, except that muzzleloader season licenses for hunting antlerless deer shall be valid only in one county in the special antlerless zone. In seasons, counties, or zones in which only antlered deer may be taken, an antlered deer is defined as a deer having at least one antler 3 inches or longer.

106.1(4) Special late season license. Paid special late season deer licenses will be valid only for hunting antlerless deer during the special late season in one of the counties in the special antlerless zone.

106.1(5) Free licenses for landowners and tenants. Free licenses for eligible landowners and tenants shall be available for the youth/disabled hunter season, early or late muzzleloader season, or first and second regular gun seasons. These licenses shall be valid for hunting any deer in the season(s) designated on the license and only on the farm unit of the landowner/tenant. For purposes of obtaining a free deer hunting license, all the land under the lawful control of a landowner and eligible family members or a tenant and eligible family members shall be considered as one farm unit, regardless of how that land is subdivided for agricultural or business purposes. A second free license valid for taking only antlerless deer in the special late season may be issued to landowners and tenants who have a portion of their farm unit in a county open during that season. The second free license shall be valid only in that portion of the farm unit located in a county open during the special late season. Landowners and tenants or their eligible family members who receive a free any deer license may also purchase up to two antlerless-only deer licenses for \$10 each. These antlerless-only licenses shall also be valid only on the farm unit.

571—106.2(481A) Season dates. Deer may be taken only during the following seasons:

106.2(1) Bow season. Deer may be taken by bow and arrow in accordance with the type of license issued from October 1 through the Friday before the first Saturday in December and from the Monday following the third Saturday in December through January 10 of the following year, except that special regulations may apply in deer population management areas (571—Chapter 105).

106.2(2) Regular gun seasons. Deer may be taken by gun only in accordance with the type, season and zone designated on the license from the first Saturday in December and continuing for five consecutive days (first regular gun season) or from the second Saturday in December and continuing for nine consecutive days (second regular gun season).

106.2(3) Muzzleloader seasons. Deer may be taken by muzzleloader in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January 10 of the following year (late muzzleloader season).

106.2(4) Special late season. Antlerless deer may be taken by shotgun, muzzleloading rifle, handgun or bow as permitted in 571—106.7(481A) from January 11 through January 19. All participants must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for taking deer with a firearm shall apply.

571—106.3(481A) Shooting hours. Legal shooting hours shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.

571—106.4(481A) Limits.

106.4(1) Bow season. The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.4(2) Muzzleloader seasons. The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.4(3) Regular gun seasons. The bag limit is one deer for each hunter in the party who has a valid deer transportation tag. The possession limit is one deer per license. "Possession" shall mean that the deer is in the possession of the person whose license number matches the number of the transportation tag on the carcass of the deer.

106.4(4) Special late season. The daily bag and possession limit is one deer per license. Tagging requirements are the same as for the regular gun seasons.

106.4(5) Maximum annual possession limit. The maximum annual possession limit for a resident deer hunter is one deer for each legal license and transportation tag obtained.

571—106.5(481A) Areas open to hunting.

106.5(1) Paid deer licenses. Hunters shall be restricted to the type of deer they shoot based on the season, dates, county or zone in which they hunt.

- a. *Bow season.* Any deer may be taken in all counties.
- b. *Muzzleloader seasons.* Any deer may be taken in all counties.
- c. *Regular gun seasons.* Any deer may be taken in all counties.

106.5(2) Paid antlerless deer licenses.

a. Paid antlerless deer licenses for the bow season, second regular gun season and late muzzleloader season shall be valid only for antlerless deer in all Iowa counties. An antlerless deer is defined as a deer without a visible antler or with no antler longer than 7 inches.

b. Paid antlerless-only deer licenses for the special late season shall be valid only for antlerless deer and only in the following counties: Adair, Appanoose, Clarke, Davis, Decatur, Des Moines, Henry, Jefferson, Lee, Lucas, Mills, Monroe, Wapello, Wayne, Van Buren, Ringgold, Taylor, Adams, Union, Fremont, Page and Montgomery. An antlerless deer is defined as a deer without a visible antler or with no antler longer than 7 inches.

106.5(3) *Free landowner/tenant licenses.* Free landowner/tenant licenses shall be valid for hunting any deer. Free regular gun season licenses shall be valid for both the first and second regular gun seasons.

106.5(4) *Closed areas.* There shall be no open seasons for hunting deer on the county roads immediately adjacent to or through Union Slough National Wildlife Refuge, Kossuth County, where posted accordingly. There shall be no open seasons for hunting deer on all portions of rights-of-way on Interstate Highways 29, 35, 80 and 380.

571—106.6(481A) License quotas and restrictions. Certain types of deer licenses will be restricted in the number issued or in the types of other deer licenses which may be purchased.

106.6(1) *Bow season.* An unlimited number of statewide bow licenses may be issued. A person who purchases a bow license may purchase the following additional licenses: one statewide gun license; up to two antlerless licenses for the bow, second regular gun or late muzzleloader season; and up to two antlerless licenses for the special late season.

106.6(2) *Regular gun seasons.* An unlimited number of statewide licenses will be available for both the first and second regular gun seasons.

a. A person obtaining a paid license for the first regular gun season shall be eligible to purchase the following additional licenses: a statewide bow license; up to two antlerless licenses for the bow and late muzzleloader seasons; and up to two antlerless licenses for the special late season. No person obtaining a paid license for the first regular gun season shall be eligible to obtain a paid license for the second regular gun season.

b. A person obtaining a paid license for the second regular gun season shall be eligible to purchase the following additional licenses: a statewide bow license; up to two antlerless licenses for the bow, second regular gun or late muzzleloader season; and up to two antlerless licenses for the special late season.

106.6(3) *Muzzleloader seasons.*

a. Early muzzleloader season. No more than 7,500 paid statewide licenses will be sold. Fifty additional licenses will be issued through and will be valid only for the Iowa Army Ammunition Plant. No one may purchase more than one paid license for the early muzzleloader season. A hunter obtaining a paid early muzzleloader season license shall not be eligible to purchase any other statewide gun season license or antlerless-only licenses for the second gun or late muzzleloader season but may purchase the following additional licenses: a statewide bow license; up to two antlerless-only bow licenses; and up to two antlerless-only licenses for the special late season.

b. Late muzzleloader season. An unlimited number of statewide licenses may be issued for the late muzzleloader season. A person obtaining a paid late muzzleloader season license may purchase the following additional licenses: a statewide bow license; up to two antlerless licenses for the bow, second regular gun or late muzzleloader season; and up to two antlerless licenses for the special late season.

106.6(4) *Free landowner/tenant licenses.* A person obtaining a free landowner/tenant license may purchase any combination of paid bow and gun licenses available to persons who are not eligible for landowner/tenant licenses as explained in 571—106.12(481A).

106.6(5) *Antlerless-only licenses.* Paid antlerless-only licenses will be available to eligible persons by county as follows:

| | | | | | |
|-------------|------|-----------|-----|---------------|------|
| Adair | 400 | Floyd | 150 | Monona | 150 |
| Adams | 500 | Franklin | 50 | Monroe | 400 |
| Allamakee | 550 | Fremont | 200 | Montgomery | 200 |
| Appanoose | 600 | Greene | 100 | Muscatine | 350 |
| Audubon | 100 | Grundy | 50 | O'Brien | 50 |
| Benton | 200 | Guthrie | 350 | Osceola | 50 |
| Black Hawk | 50 | Hamilton | 50 | Page | 200 |
| Boone | 100 | Hancock | 50 | Palo Alto | 50 |
| Bremer | 50 | Hardin | 100 | Plymouth | 50 |
| Buchanan | 50 | Harrison | 150 | Pocahontas | 50 |
| Buena Vista | 50 | Henry | 400 | Polk | 200 |
| Butler | 200 | Howard | 200 | Pottawattamie | 250 |
| Calhoun | 50 | Humboldt | 100 | Poweshiek | 150 |
| Carroll | 50 | Ida | 50 | Ringgold | 800 |
| Cass | 150 | Iowa | 300 | Sac | 50 |
| Cedar | 200 | Jackson | 300 | Scott | 200 |
| Cerro Gordo | 50 | Jasper | 150 | Shelby | 100 |
| Cherokee | 50 | Jefferson | 400 | Sioux | 50 |
| Chickasaw | 200 | Johnson | 400 | Story | 100 |
| Clarke | 200 | Jones | 350 | Tama | 200 |
| Clay | 50 | Keokuk | 300 | Taylor | 800 |
| Clayton | 850 | Kossuth | 200 | Union | 400 |
| Clinton | 200 | Lee | 500 | Van Buren | 1000 |
| Crawford | 100 | Linn | 350 | Wapello | 500 |
| Dallas | 200 | Louisa | 350 | Warren | 100 |
| Davis | 1000 | Lucas | 200 | Washington | 500 |
| Decatur | 800 | Lyon | 50 | Wayne | 300 |
| Delaware | 250 | Madison | 250 | Webster | 100 |
| Des Moines | 450 | Mahaska | 200 | Winnebago | 50 |
| Dickinson | 50 | Marion | 250 | Winneshiek | 300 |
| Dubuque | 300 | Marshall | 100 | Woodbury | 150 |
| Emmet | 50 | Mills | 100 | Worth | 100 |
| Fayette | 350 | Mitchell | 150 | Wright | 50 |

106.6(6) *Special late season licenses.* Paid antlerless licenses for the special late season will be available in counties designated in subrule 106.5(2) and are included in the quotas established in subrule 106.6(5). A person may obtain up to two paid antlerless licenses for the special late season regardless of any other paid or free gun or bow licenses the person may have obtained.

571—106.7(481A) Method of take. Permitted weapons and devices vary according to the type of season.

106.7(1) Bow seasons. Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.5(481A), only bows and arrows meeting the following criteria will be permitted for hunting deer:

a. Only longbows, flat bows, recurve bows, compound bows or any combination of these designs that are hand-held and at least 30 inches long will be permitted. The propulsive energy for launching an arrow must derive solely from the bending and recovery of two limbs of the bow.

b. The bow must be hand drawn and held at all parts of the drawing cycle by a single, uninterrupted pulling action using only the muscle power of the shooter's body until release. Release of the arrow must be by a conscious action of the shooter, either by relaxing tension of the fingers or triggering a hand-held release aid. No portion of the bow's riser (handle) or any trough, track, channel or other device that attaches directly to the bow's riser shall contact, support or guide the arrow from a point rearward to the bow's brace height.

c. The following are prohibited: Crossbows; any device with a gun-type stock; any device that holds the bowstring at partial or full draw without the shooter's muscle power; any device that derives the energy to propel the arrow from a hydraulic, pneumatic, mechanical or similar device other than the mechanical advantage provided by eccentric wheels or cams where energy to propel the arrow comes from the pulling effort of the shooter.

d. A hunting arrow must be at least 20 inches in length measured from the point of the broadhead to the rearward tip of the nock, have fletching attached to the aft end and weigh no less than 300 grains. No poison, drug or explosive device shall be attached to the arrow.

e. A hunting broadhead must possess two or more fixed or movable sharp cutting edges that can be sharpened or replaced, be at least 7/8 inch wide at the widest point of the cutting edges, and weigh at least 70 grains.

106.7(2) Regular gun seasons. Only 10-, 12-, 16- and 20-gauge shotguns shooting single slugs and muzzleloaders and handguns as described in 106.7(3) will be permitted for taking deer during the regular gun seasons.

106.7(3) Muzzleloader seasons. Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloader, handgun or bow. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 and not larger than .775 caliber, shooting single projectiles only. Centerfire handguns must be .357 caliber or larger shooting straight-walled cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. Legal handgun calibers are listed on the department of natural resources list of "acceptable handgun calibers for hunting deer in Iowa." Revolvers, pistols and black powder handguns must have a 4-inch minimum barrel length. There can be no shoulder stock or long-barrel modifications to handguns. Muzzleloading handguns must be .44 caliber or larger, shooting single projectiles only.

106.7(4) Prohibited weapons and devices. The use of dogs, domestic animals, bait, rifles other than muzzleloaded, handguns except as provided in 106.7(2) and 106.7(3), crossbows except as otherwise provided, automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle other than a muzzleloading rifle that meets the requirements of 106.7(3) or to carry or have in possession a handgun during the bow and early muzzleloader seasons.

106.7(5) Discharge of firearms from roadway. No person shall discharge a shotgun shooting slugs or muzzleloader from a highway during the regular gun seasons in all counties and parts of counties north of Highway 30 and west of Highway 63. "Highway" means the way between property lines open to the public for vehicle traffic as defined in Iowa Code section 321.1(78).

571—106.8(481A) Procedures to obtain licenses. All paid and free resident deer hunting licenses must be obtained using the electronic licensing system for Iowa (ELSI). Licenses may be purchased from ELSI license agents or by calling the ELSI telephone ordering system.

106.8(1) Licenses with quotas. All paid deer hunting licenses for which a quota is established may be obtained from ELSI agents on a first-come, first-served basis beginning the first Saturday in August until the quota fills, or through the last day of the hunting period for which the license is valid, or until December 14, whichever occurs first. After December 14, persons may purchase any available antlerless-only licenses for the special late season and special area hunts on a first-come, first-served basis until the county quotas or special area hunt quotas for antlerless-only licenses fill, or until the last day of the season, whichever occurs first. A person may purchase as many antlerless-only licenses as are available, regardless of other licenses that the individual may have purchased.

106.8(2) Licenses without quotas. All paid and free deer hunting licenses that have no quota may be obtained from ELSI agents beginning the first Saturday in August through the last day of the hunting period for which a license is valid or until December 14, whichever occurs first.

106.8(3) Providing false information. If anyone provides false information when obtaining any deer hunting license, that license and transportation tag and any other deer hunting license and transportation tag obtained during the same year shall be invalid.

571—106.9(481A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to the carcass of each deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer is killed or before the carcass is moved in any manner, whichever occurs first. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

571—106.10(481A) Youth deer and severely disabled hunts.

106.10(1) Licenses.

a. Youth deer hunt. A special youth deer license may be issued to any Iowa resident who is at least 12 years old but not over 15 years old. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free license for which the youth's family is eligible. The youth must possess a valid hunter safety certificate to obtain a license.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a firearm or bow and must be in direct company of the youth at all times. A person may obtain only one youth deer license but may also obtain one of the following additional licenses: one statewide bow or statewide gun license; up to two antlerless-only licenses for the bow, second regular gun or late muzzleloader season; and up to two antlerless-only licenses for the special late season.

b. Severely disabled hunt. Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one license to hunt deer during the youth season. A person applying for this license must either possess a disabilities parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain one additional statewide bow license.

106.10(2) Season dates. Deer of either sex may be taken statewide during the 16-day period that ends on the first Sunday in October.

106.10(3) Shooting hours. Legal shooting hours will be one-half hour before sunrise to one-half hour after sunset each day regardless of weapon used.

106.10(4) Limits and license quotas. An unlimited number of licenses may be issued. The daily and season bag and possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.10(5) Method of take and other regulations. Deer may be taken with shotgun, bow or muzzle-loaded rifles as permitted in 571—106.7(481A). All participants must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

106.10(6) Procedures for obtaining licenses. Paid and free youth licenses and licenses for severely disabled hunters may be obtained through ELSI beginning the second Saturday after the close of the initial application period for other deer licenses through the last day of the youth season.

571—106.11(481A) Deer depredation management. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

106.11(1) Method of take and other regulations. Legal weapons and restrictions will be governed by 571—106.7(481A). For deer shooting permits only, there are no shooting hour restrictions. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122.

106.11(2) Eligibility. Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding \$1,000 in a single growing season, or the likelihood that damage will exceed \$1,000 if preventive action is not taken, or a documented history of at least \$1,000 damage annually in previous years.

106.11(3) Depredation management plans. Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a written depredation management plan will be developed by the field employee in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, temporary fencing, allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds \$1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents only to temporarily reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the field employee of the wildlife bureau and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.11(4) Depredation permits. Three types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued in blocks of five licenses up to the number specified in the management plan.

(2) Depredation licenses may be sold to individuals designated by the producer as having permission to hunt. No individual may obtain more than two depredation licenses per management plan. Licenses will be sold by designated department field employees.

(3) A depredation license issued to the producer or producer's family member may be the one free license for which the producer's family is eligible annually.

(4) Depredation licenses will be valid only for hunting antlerless deer, unless otherwise specified in the management plan, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(5) Hunters may keep any deer legally tagged with a depredation license.

(6) All other regulations for the hunting season specified on the license will apply.

(7) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless land is within a designated block hunt area. Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops will allow taking deer from August 1 through March 31. Permits issued for August 1 through August 31 shall be valid only for taking antlered deer. Permits issued for September 1 through March 31 may be valid for taking any deer, antlerless deer or antlered deer, depending on the nature of the damage.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved maintains a deerproof fence. Disposal of deer killed under these permits shall be coordinated with the local conservation officer.

(5) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(6) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(7) Shooters must wear blaze orange and comply with all other applicable laws and regulations pertaining to shooting and hunting.

c. Agricultural depredation shooting permits. Agricultural depredation shooting permits will be issued to a landowner or designated tenant who is a resident of Iowa who has sustained at least \$1,000 of damage to agricultural crops if the resident is cooperating with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) to reduce crop damage by deer or has an approved DNR deer depredation plan.

(1) Agricultural depredation shooting permits will be issued to the resident landowner or designated tenant at no cost and shall be valid only on the farm unit where the damage is occurring.

(2) Permits issued to the resident landowner or designated tenant shall allow the taking of antlerless deer from September 1 through November 30. The number of permits issued to individual landowners or tenants will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(3) Deer taken on these permits must be taken by the resident landowner or the designated tenant only.

(4) Times, places, and other restrictions will be specified on the permit.

(5) Shooters must wear blaze orange and comply with all other applicable laws and regulations.

(6) For agricultural depredation shooting permits there are no shooting hour restrictions.

(7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(8) Agricultural depredation shooting permits will be valid only on the land where damage is occurring.

d. Rescinded IAB 5/29/02, effective 7/3/02.

e. Depredation licenses, agricultural depredation shooting permits and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

f. Depredation licenses, agricultural depredation shooting permits and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd.

106.11(5) Disposal. It shall be the producer's responsibility for shooting permits, excluding those issued for public safety, and for agricultural depredation shooting permits to see that all deer are field dressed and removed immediately from the field. Dead deer must be handled for consumption, and the producer must coordinate through the local conservation officer the disposal of deer offered to the public. Charitable organizations will have the first opportunity to take deer offered to the public. No producer shall keep more than two deer taken under depredation shooting permits. By express permission from a DNR enforcement officer, the landowner may dispose of deer carcasses through a livestock sanitation facility.

571—106.12(481A) Eligibility for free landowner/tenant deer licenses.

106.12(1) *Who qualifies for free deer hunting license.* Owners or tenants of a farm unit, or a member of an owner's or tenant's family who resides with the owner or tenant, are eligible for free deer licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

106.12(2) *Who qualifies as a tenant.* A "tenant" is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner's family, including in some circumstances the landowner's spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

106.12(3) *What "actively engaged in farming" means.* Landowners and tenants are "actively engaged in farming" if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party who operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

106.12(4) *Landowners who qualify as active farmers.* These landowners:

- a. Are the sole operator of a farm unit (along with immediate family members), or
- b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work, or
- c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant, or
- d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements, or
- e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually, or
- f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

106.12(5) *Landowners who do not qualify.* These landowners:

- a. Use a farm manager or other third party to operate the farm, or
- b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

106.12(6) *Where free licenses are valid.* A free license is valid only on that portion of the farm unit that is in a zone open to deer hunting. "Farm unit" means all parcels of land that are operated as a unit for agricultural purposes and are under lawful control of the landowner or tenant. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. "Agricultural purposes" includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

106.12(7) *How many free licenses may be obtained.* The maximum number of free licenses for the youth/disabled season, bow season, regular gun seasons or muzzleloader seasons is two per farm unit, one for the landowner (or family member) and one for the tenant (or family member). If there is no tenant, the landowner's family may obtain only one license. A tenant or the tenant's family is entitled to only one free license even if the tenant farms land for more than one landowner. An additional free license for the special late season may be issued to eligible landowners and tenants as described in sub-rule 106.1(5).

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.24.

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